

JACQUELYN HUTZELL
 Digitally signed by JACQUELYN HUTZELL
 Date: 2021.06.22 12:07:37 -05'00'

AO 91 (rev.11/11) Criminal Complaint

AUTHORIZED AND APPROVED DATE:

United States District Court
 for the

WESTERN

DISTRICT OF

OKLAHOMA

FILED
 JUN 22 2021

CARMELITA READER SHINN, CLERK
 U.S. DIST. COURT, WESTERN DIST. OK
 BY: *[Signature]*, DEPUTY

United States of America

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v.

)

Barry Christopher Hutton

)

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Case No: MJ-21-363-STE**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about the date of June 14, 2021, and June 16, 2021, in the county of Payne County, in the Western District of Oklahoma, the defendant violated:

*Code Section**Offense Description*

18 U.S.C. § 875(c)

Interstate Communications with a Threat to Kidnap and Injure

18 U.S.C. § 2261A(1)

Interstate Stalking

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent, Timothy Doyle, Federal Bureau of Investigation (FBI) which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: Jun 22, 2021

City and State: Oklahoma City, Oklahoma

[Signature]
 TIMOTHY DOYLE
 Special Agent
 Federal Bureau of Investigation (FBI)

[Signature]
 Judge's signature

SHON T. ERWIN, U.S. Magistrate Judge
 Printed name and title

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Timothy Doyle, being duly sworn, depose and state that:

INTRODUCTION

I am a Special Agent of the United States Federal Bureau of Investigation ("FBI") within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of, and to make arrests for, federal offenses as set forth in Section 2516 of Title 18, United States Code. I have been a Special Agent of the FBI since September 20, 2015. I have received four months of training in criminal investigations and related legal matters at the FBI Training Academy in Quantico, Virginia. Upon completion of training at the FBI Training Academy until August 2019, I was assigned to the San Antonio Division, Laredo Resident Agency. I am currently assigned to the Oklahoma City Division, Stillwater Resident Agency. Prior to employment with the Federal Bureau of Investigation I was a certified Peace Officer with the City of Enid, in the State of Oklahoma, from April 4, 2005, until September 10, 2015. Through my training and experience, I have become familiar with and used all normal methods of investigation, including, but not limited to, visual surveillance, witness interviews, search and arrest warrants, confidential human sources, pen registers, undercover agents, and court authorized wiretaps.

The statements contained in this Affidavit are based in part on: information provided by other agencies, written reports about this and other investigations that I have

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received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Special Agent with the FBI. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part.

As will be shown below, there is probable cause to believe that Barry Christopher Hutton (HUTTON) committed the crimes of Interstate Communications with a Threat to Kidnap or Injure, in violation of Title 18, United States Code, Section 875(c), and Interstate Stalking in violation of Title 18, United States Code, Section 2261A(1). Because this Affidavit is being submitted for the limited purpose of securing a complaint and search warrant, I have not included every detail of the investigation. Instead, I have listed those facts I believe necessary to establish probable cause to believe that the defendant committed the above identified crimes. The following is true to the best of my knowledge and belief.

STATUTORY AUTHORITY

This investigation concerns alleged violations of 18 U.S.C. § 875(c), relating to Interstate Communications with a Threat to Kidnap or Injure, and 18 U.S.C. § 2261A(1), relating to Interstate Stalking. Section 875(c) prohibits the transmission in interstate or foreign commerce of any communication threatening to kidnap or injure another person. Section 2261A(1) prohibits a person from traveling in interstate or foreign commerce “with the intent to kill, injure, harass, [or] intimidate” another person where such travel or conduct “(A) places that person in reasonable fear of the death of, or serious bodily injury to—(i) that person; (ii) an immediate family member [] of that person, (iii) a spouse or

intimate partner of that person . . .” or “(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii)”

PROBABLE CAUSE

On November 25, 2020, at approximately 1914 hours, L.H. advised Cushing Police Department (CPD) officers that she had pulled into her driveway in Cushing, Oklahoma, and HUTTON, her husband, had pulled into the driveway and intentionally hit her car with his truck. HUTTON exited his vehicle, approached L.H.’s vehicle, and attempted to physically remove L.H. from her vehicle by pulling on her arm. L.H. advised that during the altercation HUTTON bit her on her arm. Indeed, officers observed a blood-pooled, already bruised bite mark on L.H.’s upper arm. L.H. advised during the altercation she told HUTTON she was going to contact the police and had her phone in her hand. HUTTON then grabbed the phone out of her hand and left with it, preventing L.H. from contacting police. L.H. advised HUTTON was driving around in a Ford F-150 pickup with an oil tank in the bed of the pickup.

As CPD officers were on scene gathering information they observed a Ford pickup with an oil tank in the bed at the stop sign at N Highland Avenue and E Broadway Street. L.H. also saw the truck and advised officers that it was HUTTON. HUTTON was subsequently pulled over on a traffic stop a few blocks away.

Aside from the statements of L.H., CPD officers also interviewed a neighbor who witnessed HUTTON ram his pickup into the rear of L.H.’s vehicle while L.H. was in it. The neighbor also witnessed HUTTON exit his vehicle, approach L.H., and grab her by

the arm. It was the neighbor that then contacted 911.

HUTTON was then arrested for domestic violence charges at approximately 2035 hours. During his arrest, he became irate and advised CPD officers he wanted them to shoot him. Upon arrival at the jail HUTTON was placed into the mental health cell and told officers if he had still been at the residence he would have gotten his shotgun and pointed it at the police in order for them to shoot him. While being booked into the jail, HUTTON was also found to be in possession of a small baggie with a white powdery substance. The substance field-tested positive for the presence of methamphetamine.

On June 14, 2021, L.H. reported HUTTON had been calling her cell phone and had made multiple new threats to her. L.H. advised HUTTON was upset she would not talk to him and he called her place of employment multiple times. L.H. said HUTTON made multiple threats to kill himself and when her place of employment blocked HUTTON's number, HUTTON started calling L.H.'s daughter's phone. L.H. said they have been separated since November 2020 and he has not lived in Cushing since March 2021, when he was released from the Payne County Jail after his prior domestic violence arrest. L.H. reported on June 14, 2021, HUTTON called L.H. and threatened he was going to get an AR-15, kill L.H. and her family, and then take his own life. L.H. reported this also happened a few weeks ago, but at that time she was able to convince HUTTON to get mental health help in Tulsa. L.H. said she is scared HUTTON is going to hurt her or her family and specifically advised that she was in fear for her life. L.H. reported she has told HUTTON several times she wants a divorce, but HUTTON told her that it would not happen.

HUTTON also called and spoke with several officers at CPD on June 14, 2021 and confirmed some of his threats. HUTTON called CPD from phone number 918-285-9801 at three separate times (1308, 2008, and 2029 hours). In the first call HUTTON identified himself as Mr. Hutton. In the second call he stated, "This is Barry Hutton," and in the third call the officer asked if this was Barry and he stated "yea." Those calls were recorded, and HUTTON made the following statements, among others, to CPD:

- "I'm coming to see my wife no matter what" (said multiple times);
- "I'm coming to see her one way or another even if you have to kill me;"
- "I'm 2000 miles away but I'm coming home and you all better be ready;"
- "Either her dad is going to have to shoot me or you guys are going to have to;"
- "Her dad doesn't like me;"
- "I have a depression problem;"
- "I called her daughter;"
- "I called [employer of L.H.];"
- "No hell on this earth that you can put me through that I haven't already been through so you all better get ready;"
- "I'll make you a redneck promise, I'm coming" (then hung up phone);
- "As soon as I get home I'm gonna get my pickup truck;"
- "I've put something in there for protection;"
- "I bought it for \$700 with three extended clips;"

- “I’m gonna make y’all kill me;”
- “I tell you right now I’m coming;”
- “Last week I went and bought me some protection, it’s under my truck;”
- “I’m telling you right now, I got an AR-15 and three extended clips;”
- “I’m gonna buy another phone so you can’t track me;”
- “I’m at my wits end;”
- “I’m asking for help;”
- “I ain’t scared of the cops, you bleed just like I do;”
- “I wanna talk to my wife;”
- “I’m calling her work and everything;” and
- “I called her work and they said they are calling you guys.”

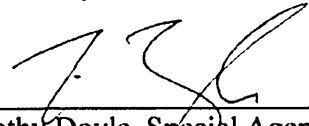
L.H. advised it is common for HUTTON to call her place of employment multiple times whenever L.H. doesn't answer HUTTON's calls. L.H. also showed CPD officers her phone recent call log, which showed HUTTON had called her cell phone 13 times within a 42-minute time frame, on June 14, 2021. L.H. also provided an internet screenshot HUTTON sent her on June 14, 2021, of a flight itinerary showing a flight from Boston, Massachusetts, at 1451 hours and landing in Tulsa, Oklahoma, at 2010 hours. It appeared HUTTON sent this itinerary to intimidate L.H. into believing he was purchasing tickets to come back to Oklahoma to carry out his threats. My investigation has shown that instead, HUTTON took commercial flights from Boston, to Denver, then to Spokane, Washington, after which he drove south (towards Oklahoma) and was arrested on June 16,

2021, in Moscow, Idaho, on state warrants from Oklahoma and Idaho. He was subsequently transferred to Sandpoint, Idaho, on a traffic warrant.

CONCLUSION


Based on a review of this case, and based on my knowledge and experience, I believe there is probable cause that Barry Christopher HUTTON committed the crimes of Interstate Communications with a Threat to Kidnap or Injure, in violation of 18 U.S.C. § 875(c), and Interstate Stalking in violation 18 U.S.C. § 2261A(1).

Respectfully Submitted,



Timothy Doyle, Special Agent
Federal Bureau of Investigation

Sworn and subscribed this 22nd day of June 2021.



Shon T. Erwin
U.S. MAGISTRATE JUDGE